

## A M E N D E D

**APPLICATION FOR PERMISSION TO CHANGE POINT OF  
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA  
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUL 11 2002  
 Returned to applicant for correction JUL 30 2002  
 Corrected application filed SEP 30 2002  
 Map filed SEP 30 2002

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The applicant **A & K Earthmovers, Inc.** hereby make application for permission to change the **Place of Use and Manner of Use** of water heretofore appropriated under **Truckee Carson Irrigation District Serial No. 538-4-A & 538-4-B, United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3; United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT;** both in the Federal District Court of Nevada.

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1. The source of water is **Truckee and Carson River**
2. The amount of water to be changed **2.09 ac. ft.**
3. The water to be used for **commercial**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **Lahontan Dam within SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 33, T.19N., R.26E., M.D.B. & M.**
6. The existing permitted point of diversion is located within **no change**
7. Proposed place of use **All of sections 5, 6, 7, 8, 9, 17, 18, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36 in T.19N., R.28E.,; All of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 35, 36 in T.18N., R.28E.,; All of sections 18, 19, 30, 31, 32, 33, 34, 35, 24, 25, 26 in T.19N., R.29E.,; and all of sections 5, 6, 7, 8, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 in T.18N., R.29E., all in M.D.B.&M. containing 45,440 AC, more or less**
8. Existing place of use **SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 25, T.19N., R.28E., M.D.B.&M. A total of .70 ac.**
9. Use will be from **as decreed**
10. Use was permitted from **as decreed**
11. Description of proposed works **dams, canals & ditches**
12. Estimated cost of works **complete**
13. Estimated time required to construct works **complete**
14. Estimated time required to complete the application of water to beneficial use

68958

15. Remarks: This transfer is for the purpose of a pump permit. .

By Barry A. Fitzpatrick, S.W.R.S.#817  
s/Barry A. Fitzpatrick  
178 S. Maine Street  
Fallon, Nevada 89406

Compared sam/gkl lb/sam

Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, but not to exceed 2.09 acre feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use on or before:

June 13, 2004

Proof of the application of water to beneficial use shall be filed on or before:

July 13, 2004

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,

this 13th day of June, A.D. 2003

  
State Engineer

Completion of work filed June 25, 1998 under 62742

Proof of beneficial use filed JUN 28 2004

Cultural map filed N/A

Certificate No. 16486 Issued 3-10-05